

HOUSE BILL REPORT

ESHB 2594

As Passed House:
February 13, 2006

Title: An act relating to bilingual voting assistance.

Brief Description: Providing assistance to non-English speaking voters.

Sponsors: By House Committee on State Government Operations & Accountability (originally sponsored by Representatives Hasegawa, McCoy, Santos, Pettigrew, Kenney, Hudgins, Upthegrove, Hunt, O'Brien, Haigh, Kagi and Dickerson).

Brief History:

Committee Activity:

State Government Operations & Accountability: 1/25/06, 2/1/06 [DPS].

Floor Activity:

Passed House: 2/13/06, 55-43.

Brief Summary of Engrossed Substitute Bill

- Creates a task force to make recommendations to continue implementation of Section 203 of the Voting Rights Act within the state.
- Allows voters who need language assistance to designate an interpreter to assist the voter in voting.
- Encourages county auditors to appoint bilingual staff at poll sites that correspond to the languages spoken in that county.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Marsha Reilly (786-7135).

Background:

Section 203 of the Voting Rights Act requires a state or political subdivision to provide registration or voting notices, forms, instructions, assistance, or other materials relating to the electoral process, including ballots, in the language of an applicable minority group as well as in English. This law applies if more than 10,000 or over 5 percent of the total voting age citizens in a county are members of a single minority language group and are limited in English proficiency. In Washington, four counties are required to provide voting materials in additional languages: Adams, Franklin, and Yakima counties must provide materials in Spanish, and King County must provide materials in Chinese. The provisions of section 203 expire in 2007.

Summary of Engrossed Substitute Bill:

A joint select legislative task force is established to increase voter participation for single-language minority groups. Specifically, the task force is required to:

- make recommendations on implementing the requirements of section 203 of the Voting Rights Act within the state;
- identify ways to increase voter participation by single-language minority groups who do not speak or understand English adequately enough to participate in the electoral process;
- recommend parameters for providing languages other than English on voting and election materials; and
- make other recommendations as necessary.

The task force must report its findings, recommendations, and proposed legislation to the appropriate committees of the Legislature by January of 2007.

The task force includes four legislators, two appointed by the Secretary of the Senate (Secretary), and two appointed by the Speaker of the House of Representatives (Speaker). The Secretary and the Speaker jointly appoint the following members:

- two county auditors or elections' directors in counties required to provide election materials in a language other than English, one from a county required to provide election materials in Chinese, and one from a county required to provide election materials in Spanish;
- four representatives from bi-lingual communities;
- two representatives from an organization with expertise with section 203 of the voting rights act; and
- one representative of an organization that has expertise in civil liberties.

A representative from the Office of the Secretary of State will serve as a nonvoting member, and the office will provide information as requested. Staff support for the task force is provided jointly by Senate Committee Services and the House of Representatives Office of Program Research.

Voters who need language interpretation assistance may designate a person of his or her choice to enter the voting machine booth at poll sites to assist with interpretation of voting

material and recording the vote. The interpreter may not be the voter's employer or be associated with the voter's union. County auditors are encouraged to appoint bilingual staff at poll sites that correspond to the languages spoken in that county.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) This is a good bill. It helps non-English speaking citizens by protecting their right to vote. Many non-English speaking citizens are trying to learn the language by taking classes at night. While they are doing that work, their rights should be protected. Even after they learn English, many ballots contain complex concepts and information that should be translated to help the voters understand the issues.

Many non-English proficient citizens have registered to vote but have not exercised their right to vote, mainly due to language barriers. This bill will increase civic engagement.

As for the additional costs that will be born by some counties, the Legislature must consider and reconsider how elections are run: there are some fixed costs for translating certain voting materials that apply statewide, and those costs can be shared. Also, when counties hire new employees, they should hire bilingual employees to help defray those costs.

A person only needs to have mastered basic English in order to become a citizen. There are exemptions for some people who have lived here for a certain time and are 50 years of age or older, and some can take the exam in native language. An informed electorate is essential for democracy.

Some nonprofit organizations have worked with the League of Women Voters and King county election officials to assemble voting materials and to conduct outreach to non-English speaking citizens. Four successful poll monitoring campaigns found that many people experienced discrimination at poll sites. Written recommendations were provided to the County staff, and they took these recommendations seriously.

In Washington there are 439,000 Asian Pacific Americans, and many of them have limited English proficiency. There are about 50,000 Vietnamese in Washington, and about 90 percent of them are fully literate in Vietnamese but their English literacy is much lower. It is important to involve all citizens in the political process.

(With concerns) The benefits of this bill are without question. However, there are serious questions regarding costs related to this bill. Currently, the Secretary of State provides voter registration forms in eight languages and voter pamphlets in three languages. The analysis of the costs is based on census information, but the census data does not exactly match the language in Voting Rights Act (VRA). As a result, the Census Bureau and the Department of

Justice (DOJ) go through a lot of analysis to determine which jurisdictions are subject to the provisions of the VRA. If this bill is passed, it is not clear who would do the new analysis based on the lowered threshold. It is difficult to ascertain the actual costs as a result of this bill. There will be administrative costs as well as additional translation, printing, and website costs. Though the intent of the bill is to continue the VRA process, even that process has been subject to debate what materials must be translated? A recent 9th Circuit Court ruling states that a ballot measure petition that a sponsor circulates must also be in the other approved languages. The Secretary of State must comply with the current VRA. There is also the issue of different dialects, and concerns about the quality of translation services. In addition, there is a debate about how accurately some information can be translated. If the phrase does not exist in the language, how should the phrase be described without appearing to or actually taking sides on the issue? Another issue is the matter of enforcement - the DOJ is responsible for enforcing the VRA, but the bill does not address what entity would be responsible for enforcing this state law.

County auditors are concerned that the costs associated with this bill will be paid for by the districts. Additional funding would be needed. There may be legal concerns related to differences in translations. The state would need to provide a clearinghouse of some sort to share resources statewide. The trend in this state is to move to vote by mail, which will change the type of resources that will need to be provided to citizens. With no traditional poll sites, auditors will need to provide assistance to voters on the phones. There are some very good ideas in this bill, but these services call for cooperation of all the groups involved in order to put a plan together to make this work.

Testimony Against: None.

Persons Testifying: (In support) Representative Hasegawa, prime sponsor; Rogelio Riojas, Sea-Mar Community Hospital; Diane Narasaki, Asian Counseling & Referral Service; Paul Kalchik, Highline Community College; George Cheung, Raising Our Asian American Representation; Nadine Shiroma and Jane Mair-Jin, Eastside Asian Pacific Islander's; Ellen Abellera and Thi Huynh, Commission on Asian Pacific American Affairs.

(With concerns) Katie Blinn, Office of the Secretary of State; and Vicky Dalton, Spokane County Auditor.

Persons Signed In To Testify But Not Testifying: None.